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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/776,272      | 02/12/2004  | Masahiko Kamiya      | 033498-021          | 5483             |

21839 7590 01/10/2005

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EXAMINER

WILLIAMS, THOMAS J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3683

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

P. n

|                              |                                       |                                      |  |
|------------------------------|---------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/776,272  | <b>Applicant(s)</b><br>KAMIYA ET AL. |  |
|                              | <b>Examiner</b><br>Thomas J. Williams | <b>Art Unit</b><br>3683              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. Acknowledgment is made in the receipt of the oath and priority papers filed February 12, 2004 and the information disclosure statement filed May 27, 2004.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,108,159 to Tsang et al.

Re-claim 1, Tsang et al. discloses a brake squeal control device wherein after closing a starting switch (the ignition switch must have been started since the vehicle is moving), based on signals from sensors and a clock (such as an internal clock in the processor) that during periods of low temperatures and travel state that a pressing force of a brake means is controlled to suppress brake squeals, see column 1 lines 21-22. Tsang et al. discloses that previous inventions failed to address low temperatures, this implies that the device of Tsang et al. addresses the low temperature situation recited in the instant claim.

Re-claims 2 and 9, the pressing force is adjusted by increasing and decreasing brake pressure, see column 2 lines 6-16.

4. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by KR 2003009605 A to Kim, published February 5, 2003.

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Re-claims 1 and 3, Kim discloses a brake squeal control device wherein after closing a starting switch (the ignition switch must have been started since the vehicle is moving), based on signals from sensors and a clock (such as an internal clock in the processor) that during periods of low temperatures (temperature sensor 12) and travel state (vehicle speed sensor 10) that a pressing force of a brake means is controlled to suppress brake squeals, see abstract.

Re-claims 2 and 9, see detailed description lines 17-21.

5. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,743,074 to Inoue.

Re-claim 6, Inoue discloses a brake squeal control device wherein after closing a starter switch of a vehicle and a sensor indicating movement (interpreted as either forwards or backwards, since the system of Inoue is clearly capable of preventing brake squeal in either direction), the pressing force of a brake means is controlled to suppress the brake squeal, see column 10 lines 5-28; a wheel speed sensor 90/92 is used to detect rotational behaviour of the wheel, this includes a reverse direction.

#### ***Allowable Subject Matter***

6. Claims 4, 5, 8, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishizawa and Nishizawa et al. teach a system for suppressing brake squeal during a

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traveling state of the vehicle. Kim (KR 2003089858) teaches a system for suppressing brake squeal at low temperatures, as well as sensing the temperature of the brake pad.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

THOMAS WILLIAMS  
PATENT EXAMINER

*Thomas Williams*

Au 3683  
1-05-05

TJW

January 5, 2005